IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

Crl.MC.No. 3264 of 2007()

CRL.MP.2100/07 IN SC. NO.601/2003 OF ADDL. SESSIONS COURT-II, MAVELIKARA.

PETITIONER: 2ND ACCUSED

BIJU BABY @ THOMMY BIJU,
AGED 25, S/O BABY DANIEL KALLELIPARAMBIL,
PADINJARE NADA, MAVELIKARA.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3264 of 2007

Dated this the 25th day of October, 2007

O R D E R

The petitioner is the 2nd accused in a Sessions trial which is scheduled and listed to commence on 29.10.07. Cws 1 to 54 have already been summoned. The schedule for trial has been fixed sufficiently early.

2. At the eleventh hour, the petitioner has filed an application before the learned Sessions Judge to adjourn the trial of the Sessions Case. The learned Sessions Judge by the impugned order rejected the said prayer. The petitioner claims to be aggrieved by the said order.

3. The inconvenience of the counsel is the reason urged. The learned Sessions Judge, according to me, was eminently correct in not permitting adjournment of the trial. The schedule was fixed long back and it was for the counsel to make necessary arrangements to ensure that appropriate steps are taken to see that the trial is not further protracted. The crime was of the year 2001. The Sessions Case was registered in 2003 and we are now at the end of 2007. I am certainly satisfied that trial should not be permitted to be delayed any further. The counsel will have to make appropriate arrangements.

4. That the request for adjournment has been rejected cannot and does not meant that the counsel's prayer for accommodation should not be considered by the learned Sessions Judge. If the counsel is engaged in other trial, the counsel will have to make alternate arrangements and can request the court to give him accommodation to ensure that he does justice to his client in this sessions trial also. Appropriate request to that effect can be made before the learned Sessions Judge.

This Crl.M.C is dismissed, with the above observations.

(R.BASANT, JUDGE)

rtr/-